

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 2-4, 7, 12, 14, 15, 19, 20, and 21 have been amended and claim 5 has been canceled. No new matter has been added. Thus, claims 2-4 and 7-26 are currently pending in the application and subject to examination.

I. Claim Objections

In the Office Action dated February 8, 2008, claim 1-5 and 7-20 are objected to for informalities in claim 1. As claim 1 has been canceled, and claims 3-5 and 7-20 depend from claim 2, it is assumed that the informalities are in claim 2. Claim 2 has been amended responsive to this objection to incorporate the language suggested by the Examiner. If any additional amendment is necessary to overcome this objection, the Examiner is requested to contact the Applicant's undersigned representative.

II. 35 U.S.C. § 112

Claim 14 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 14 has been amended responsive to this rejection. If any additional amendment is necessary to overcome this rejection, the Examiner is requested to contact the Applicant's undersigned representative.

II. 35 U.S.C. § 102/103

Claims 2-5, 7-15, 17-18, and and 20-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pub. No. 2003/0200439 to Moskowitz ("Moskowitz"). Under 35 U.S.C. § 103(a), claims 16 and 19 are rejected as being unpatentable over Moskowitz in view of U.S. Publication No. 2002/0099842 to Jennings ("Jennings"). It is

noted that claims 2-4, 7, 12, 14, 15, 19, 20, and 21 have been amended and claim 5 has been canceled. To the extent that the rejections remain applicable to the claims currently pending, the Applicants hereby traverse the rejections, as follows.

The Applicants submit that Moskowitz does not disclose or suggest a method of associating a content tag with a content, the method comprising at least the combination of associating the content tag indicating a type of service in accordance with the content, wherein the content tag is created and associated with the content at the location where the content is originally published; reading the content tag in an instance of peer-to-peer network transmission to determine whether at least part of the content should be accorded a predetermined type of transmission service; and transmitting at least part of the content according to the type of service specified by the flow information over a peer-to-peer network, as recited in amended claim 2.

Although Moskowitz teaches the addition of a watermark to a stream of data, wherein the watermark may be used to classify a stream of data for a particular quality of service, in contrast to the invention recited in amended claim 2, Moskowitz does not disclose or suggest a content tag, indicating a type of service in accordance with the content, created and associated with the content at the location where the content is originally published, reading the content tag in a peer-to-peer network, or transmitting the content in a peer-to-peer network.

The invention recited in claim 2 allows specific content to be provided preferred transport or other transmission characteristics on the basis of the content itself, as determined by the publisher of the content, regardless of where each packet of the content is accessed in a peer-to-peer network.

Moskowitz teaches a sender adding a watermark the header of each packet in a stream of data. This is only applicable in a server-client type distribution, which is substantially point to point or point to multipoint, and is determined by the sender.

For at least this combination of reasons, the Applicants submit that claim 2 is allowable over the cited art. For similar reasons, the Applicants submit that claim 21 is likewise allowable. As claims 2 and 21 are allowable, the Applicants submit that claims 3-4, 7-20 and 22-26, which depend from allowable claims 2 and 21, are therefore also allowable.

CONCLUSION

For all of the above reasons, it is respectfully submitted that the claims now pending patentability distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into condition for allowance, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 with reference to Attorney Docket No. 026215-00003.

Respectfully submitted,

Arent Fox LLP

A handwritten signature in black ink, appearing to read 'TJ Brooks', written over the printed name.

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